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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,625	07/24/2003	Shinichiro Fujita	116667	9057
25944	7590	12/06/2007		
OLIFF & BERRIDGE, PLC				
P.O. BOX 320850				
ALEXANDRIA, VA 22320-4850				
EXAMINER				
AUVE, GLENN ALLEN				
ART UNIT		PAPER NUMBER		
2111				
MAIL DATE		DELIVERY MODE		
12/06/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/625,625

Applicant(s)

FUJITA ET AL.

Examiner

Glenn A. Auve

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/10/2007 & 9/11/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 8, 10 and 14-18 is/are allowed.
- 6) ☒ Claim(s) 6, 7, 9, 11-13, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Drawings

1. Figures 1-4, 16A, 16B, 17A, and 17B, at least, should be designated by a legend such as --**Prior Art**-- because only that which is old is illustrated. Any of the drawings that are not applicant's invention should be so designated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. With respect to figure 17B, the examiner has provided a copy of pages 219-220 of the previously cited FireWire System Architecture book which shows that the resume packet depicted in figure 17B is Prior Art.
3. It is also noted that applicant has provided figures 1-4, 16A, 16B, and 17A with the designation "Related Art". However, these drawings show the Prior Art, and because they do they must be so designated.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 6,7,9,11-13, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Serial Bus Protocol 2 (SBP-2) as further evidenced by Firewire System Architecture: Second Edition IEEE 1394a by Anderson and also exemplified by Bard, U.S. Pat. No. 6,445,678 B1.

As noted in the Foreword of the SBP-2 specification, the standard defines a transport protocol for the IEEE 1394 standard serial bus.

As per claim 6, SBP-2 shows a data transfer control system for data transfer through a bus, comprising: a port controller which controls a plurality of ports including a first port for connecting with a first electronic instrument and a second port for connecting with a second electronic instrument, wherein the port controller sets the second port to a disabled state when the power for the data transfer control system has been turned on (all as noted above for claim 1 and also in Anderson p.274 which shows the sources of a bus reset including a power state change). SBP-2 shows all of the elements recited in claim 6.

As for claim 7, the argument for claim 6 applies. SBP-2 also shows that the power for the data transfer control system is turned on when a port of the first electronic instrument has been connected with the first port (inherent). SBP-2 shows all of the elements recited in claim 7.

As for claim 9, the argument for claim 6 applies. SBP-2 also shows an electronic instrument for expanding a function of a first electronic instrument connected with a first port, the electronic instrument comprising: the data transfer control system as defined in claim 6 (see above); and a plurality of ports including the first port for connecting with the first electronic instrument and a second port for connecting with a second electronic instrument (as exemplified by Bard as noted above). SBP-2 shows all of the elements recited in claim 9.

As for claim 11, the argument for claim 9 applies. SBP-2 also shows that the port controller sets the second port to a disabled state when a port of the first electronic instrument has been connected with the first port and the power for the electronic instrument has been

turned on (SBP-2, section 9.1.4 and figure 52). SBP-2 shows all of the elements recited in claim 11.

As per claim 12, SBP-2 shows a program which causes a data transfer control system to function as: a port controller which controls a plurality of ports including a first port for connecting with a first electronic instrument and a second port for connecting with a second electronic instrument; and a bus reset issue controller which issues a bus reset that clears node topology information, wherein the port controller sets the second port to a disabled state and the bus reset issue controller issues the bus reset to cause the first electronic instrument connected with the first port to acquire an access right (as shown above for claim 1). SBP-2 shows all of the elements recited in claim 12.

As per claim 13, SBP-2 shows a program which causes a data transfer control system to function as: a port controller which controls a plurality of ports including a first port for connecting with a first electronic instrument and a second port for connecting with a second electronic instrument, wherein the port controller sets the second port to a disabled state when the power for the data transfer control system has been turned on (as shown above for claim 6). SBP-2 shows all of the elements recited in claim 13.

As per claim 19, SBP-2 shows a data transfer control method for data transfer through a bus, the method comprising: controlling a plurality of ports including a first port for connecting with a first electronic instrument and a second port for connecting with a second electronic instrument; and setting the second port to a disabled state when the power for a data transfer control system has been turned on (as noted above for claim 6). SBP-2 shows all of the steps recited in claim 19.

As for claim 20, the argument for claim 19 applies. SBP-2 also shows that the power for the data transfer control system is turned on when a port of the first electronic instrument has been connected with the first port (inherent). SBP-2 shows all of the steps recited in claim 20.

Response to Arguments

6. Applicant's arguments, see page 10, filed 10 August 2007, with respect to amended claim 1 and its dependent claims have been fully considered and are persuasive. The rejection of claims 1-5, 8, and 10 under 35 USC 102 has been withdrawn. Also, the rejection of claims 14-18 has also been withdrawn because claim 14 includes the limitation that was added to claim 1.

7. Applicant's arguments filed 10 August 2007 have been fully considered but they are not persuasive. With respect to claims 6, 12, 13, and 19 and their dependent claims, applicant alleges that the argument for claim 1 applies to these claims. However, it is noted that the limitations added to claim 1 and argued by applicant are not present in claims 6, 12, 13, and 19, therefore these arguments are not persuasive. Applicant also argues that the SBP-2 reference does not show the process sequence recited in the independent claims 6, 12, 13, and 19, but does not point to any specific limitation. It is submitted that the SBP-2 specification does show the very broad and generally recited process steps.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2111

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn A. Auve whose telephone number is (571) 272-3623. The examiner can normally be reached on M-F 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (571) 272-3632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2111

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Glenn A. Auve
Primary Examiner
Art Unit 2111

gaa
4 December 2007